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REVIEWS OF BOOKS

The controversy over neutral rights between the United States and France, 1797-1800. A collection of American state papers and judicial decisions. Edited by James Brown Scott, director. [Carnegie endowment for international peace, division of international law] (New York: Oxford university press, 1917. 510 p. \$3.50)

This collection of papers is published as an exposition of the policy and legal theory of the United States in the controversy with France over neutral rights. This book is in no sense a history of that controversy. It does not take into consideration the circumstances of the opposing parties, nor does it treat of the development of their policies. Its appearance is timely, however, as an illustration of one of the most important examples of the "abundant American precedent" to which President Wilson appealed in stating his policy to congress on February 16, 1917.

The book is at once removed from any suggestion of partisanship by the fact that no part of it, except the preface, was composed with the present struggle in view. The historical introduction is taken bodily from "the note of J. C. Bancroft Davis's *Treaties and Conventions between the United States and other Powers*" published in 1873. This introduction might well contain some new material, but as it stands it serves the purpose admirably, and no one can accuse the author of anti-German feeling. The editor furnishes only a few formal notes, mostly citations, and offers no comments on the text.

Part I presents the policy of the United States towards French violations of American neutrality. The material offered is limited to the speeches of President Adams to congress (the editor calls them messages although this is hardly in accord with the facts), the replies and *Acts of congress*, and some proclamations "by the President." In these documents there is no discordant note to mar the harmony of congress and President Adams.

In no part of the book is the aloofness of the editor from comment more justified than here. A cursory reading of the text will show that the attitude of the French directory is paralleled for a long way by that of the present German empire, and that the policies of Adams and Wilson are in fundamental agreement. John Adams saw the French directory trying "to separate the people of the United States from the

Government," and "to produce divisions fatal to our peace." He advocated "permitting our vessels to employ means of defence while engaged in lawful foreign commerce," and "putting under convoy such vessels as remained unarmed." He felt that "respect to treaties has been so diminished, and the law of nations has lost so much of its force, while pride, ambition, avarice, and violence have been so long unrestrained" that measures of defence were necessary. At all times, however, he expressed his willingness to negotiate further. The violence of the directory, too, fell short of murder, and the French people came to their senses before irreparable estrangement took place.

Part II is a group of cases and legal opinions "regarding the origin, nature, extent, and legal effect of the hostilities between the United States and France," treated from the standpoint of international law. Here are reports on *The Charming Betsy*, *Gray v. United States*, *Cushing v. United States*, and other cases equally well known. As far as this section points the way to a settlement with Germany the United States should demand indemnity for all losses suffered by violations of the rights of American commerce. The large number of cases printed in full can hardly be intended for the student of international law. They are easily accessible and their grouping is not new. On the other hand, the long and technical legal opinions regarding salvage, recapture, illegal voyages and the like will hardly appeal to the general reader, even though he is interested in public affairs.

This book "is issued as a contribution to American precedent," and it may be added that the precedent in the mind of the editor is entirely legal. Of the more than five hundred pages of text, only seventy-five are used to explain the policy of the Adams administration. This section serves hardly more than an introduction to the "case-book" of three hundred forty pages that follows. The appendix, containing the treaties of 1778, the consular convention of 1788, and the convention of 1800, are also adjuncts to the legal parts of the book.

PAUL C. PHILLIPS

State tax commission. A study of the development and results of state control over the assessment of property for taxation. By Harley Leist Lutz, Ph.D., professor of economics, Oberlin college. [Harvard economic studies, volume xvii] (Cambridge: Harvard university press, London: Humphrey Milford, Oxford university press, 1918. 673 p. \$2.75 net)

It is noteworthy that in the recent movement for tax reform growing emphasis has been laid upon problems of administration. If methods of assessment were to be improved, changes in law were less essential than reforms in the work of administering the existing laws. An interesting